

**Planning Commission Workshop  
Project Summary**

Project Number	PC11-597FSI
Project Name	Frederick Memorial Hospital Parking Garage Expansion
PC Workshop Date	December 19, 2011

**Proposal:** The Applicant is requesting final site plan approval for a 31,622 square foot expansion along the north side of the existing parking deck. The expansion will result in a net gain of 420 parking spaces, bringing the total number of parking spaces in the deck to 1,469 and the total number of spaces on-site to 1,659.

**Important Issues:**

**Land Use**

The subject property is zoned IST and as such, it is not subject to the standard bulk and dimensional requirements of Section 405, but instead, it is subject to the performance standards of Section 407. Included in these criteria are the building and urban design standards of Section 604. Attached to this summary is the narrative describing the building's design and how it relates to the criteria of Section 604. Architectural elevations are also provided on the last sheet of the final site plan.

Prior to scheduling for a Planning Commission hearing, the Applicant must provide further information regarding compliance with the other performance standards.

**Traffic and Access Management**

Along with the expansion of the parking deck, the Applicant is also proposing a new access point on Park Avenue, a local roadway. Per Section 601(f), Access Drive Separation, the centerline of the proposed drive must be at least 50 feet from the adjacent curb of Elm Street. The proposed entrance is 44 feet. Accordingly, the Applicant is requesting a modification in order to accommodate the new entrance. The Applicant has proposed stops signs at the exit to the garage, as well as along Park Avenue in order to convert the intersection of Elm/Park, and the garage into a four-way stop. (See Sheet 3 of 4).

Throughout the review process and at the NAC meeting, surrounding residential neighbors expressed concerns regarding the increased traffic on the residential streets. While a traffic impact study is not warranted by this construction alone because trip generation is a function of the hospital space, not infrastructure such as a parking garage, the Applicant's Traffic Engineer and City Staff have coordinated on a scope of study so that the increase impact can be fully quantified. Review of this TIS is pending.

It should be noted that the Applicant has indicated that the Park Avenue entrance will be reserved for staff and doctors working at the hospital and that it will not be used by the general public, excluding the time during which construction of the deck is occurring.

**Forest Conservation**

In addition to this site plan application, the Applicant is required to submit a Forest Stand Delineation and Preliminary Forest Conservation plan for the required mitigation. A modification was granted under case 99-3, which relieved the property of providing afforestation for 501,682sf of the property which was considered impervious. A payment of \$3,230.10 was made for an expansion of 10,767sf under site plan 99-52FSI and since that time no additional payments have been made. Accounting for a total site area of 15.85 acres and the previous exemption and payment, it appears that approximately 177,977square feet, or 4.08 acres, must still be mitigated.

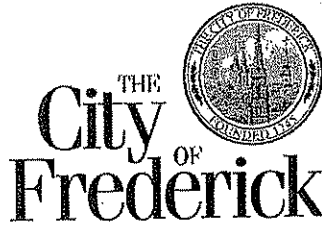
A forest conservation plan has yet to be submitted for review; however, the Applicant has indicated that they propose to meet their forest conservation requirement through off-site plantings. Based on the limited availability on the subject site, Staff concurs that off-site planting is a viable alternative and preferable to a fee in lieu of payment. In discussions with the Applicant, Staff has recommended that they consider the use of 605 E Church Street, which is also owned by FMH. This site has a considerable amount of area that is within the floodplain and existing forest onsite, so it would qualify under the priority planting standards for further afforestation.

Prior to this site plan moving forward to a Planning Commission hearing, Staff must review a combined Forest Stand Delineation and Preliminary Forest Conservation for the hospital site (440 W 7<sup>th</sup> Street) stating the intention for mitigation. That plan must be approved concurrently with the final site plan. Should the Applicant move forward with the off-site plantings a Forest Stand Delineation and Preliminary Forest Conservation, will all be required for the E Church Street property as a condition of this site plan and must be approved before the site plan is unconditionally approved. The Final Forest Conservation Plan and all necessary bonding and agreements will be required prior to building permit issuance for the subject site plan.

#### Modification Requests

**Section 605(d), Lot Line Screening:** The Applicant has requested a modification from the level I screening requirement between the Hospital and Hood College. In the modification request, the Applicant states that an easement was provided to Hood College on FMH property for their screening requirement for the Athletic Center and now it is not feasible to provide an additional buffer area. Staff is comfortable with the request because of the easement that was executed between Hood College and the Hospital however, would like to note that the Applicant has requested the modification but failed to provide compensating features required for Planning Commission approval.

Randy McClement  
Mayor



Aldermen

Karen Lewis Young  
President Pro Tem

Michael C. O'Connor  
Shelley M. Aloï  
Carol L. Krimm  
Kelly M. Russell

December 7, 2011

Joseph CeCi, P.E.  
Fox & Associates, Inc.  
82 Worman's Mill Road  
Frederick, MD 21701

**Re: PC11-597FSI: Frederick Memorial Hospital (NAC # 9)**

Dear Mr. Joe Ceci:

Staff has reviewed the above-referenced plan. Staff has divided comments into two sections: issues of major concern, and those that are of a technical nature. In order for this application to be in compliance, please address the following comments:

**ISSUES OF MAJOR CONCERN**

1. A forest stand delineation (FSD) and preliminary forest conservation plan (PFCP) must be approved concurrently with this final site plan for the balance of the lot for which mitigation is due. If the intention is to pay fee-in-lieu or plant off-site for the remaining acreage required for mitigation, the plan must state that intent and the Planning Commission must approve that plan. If off-site planting is proposed as indicated in your response letter dated 11/21/11, an offsite FSD and PFCP will be required to be approved by the Planning Commission prior to unconditional site plan approval. The final forest conservation plan (FCP) for the offsite forest must then be completed prior to building permit issuance for this site.

**This site plan cannot move forward to a Planning Commission hearing until a Combined FSD and PFCP plan has been submitted and reviewed by staff for this site.**

2. Staff received the modification request for the landscape buffer and it appears that there are no compensating features listed as required for the Planning Commission to approve a modification request.
3. Note 25: provide chart indicating the required and proposed performance standards per Section 407(b), Table 407-1 for the IST district. The chart must include the following elements: Tip Cap per acre, percent storm water volume treated by non-structural practices and Class C design guidelines per Section 603 of the LMC.

4.

### TECHNICAL ISSUES

1. Please note the case number of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan that will run concurrently with this plan.
2. It was noted in the response that a crosswalk between the island to the north of the garage entrance and the main entrance of the hospital is provided however Staff can not locate it.
3. Indicate the Archeological Assessment case number (11-600AA) and the date of approval (October 25, 2011).

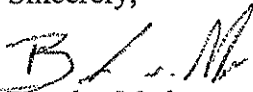
<i>APPROVAL AGENCIES</i>	<u>NO WRITTEN RESPONSE</u>	<u>RESPONSE, NO COMMENT</u>	<u>VERBAL OR WRITTEN COMMENTS ATTACHED OR BELOW</u>
CITY ENGINEERING DEPARTMENT			X
FIRE ENGINEER	X		
DEPARTMENT OF PUBLIC WORKS	X		
COUNTY HEALTH DEPARTMENT	X		

**Comments are required before this plan can move forward**

**\*\*\*\*Important\*\*\*\***

Once **all** of the comments have been addressed, please submit 10 paper copies (**one of which is highlighted**) of the plan and a response letter addressing all agency comments. This office shall receive the resubmission, with all comments addressed, of this plan no later than **December 27, 2011** to be placed on the **January 9, 2012** Planning Commission agenda. If you have any additional questions concerning this project, please feel free to contact me at 301-600-1770 or if you prefer by electronic mail at [bmark@cityoffrederick.com](mailto:bmark@cityoffrederick.com).

Sincerely,



Brandon Mark  
City Planner

CC: Gabrielle Dunn, Division Manager of Current Planning

**Planning Commission Workshop  
Project Summary**

Project Number	PC11-494PSU PC11-496FSI
Project Name	Worman's Mill Preliminary Subdivision Plat Sections 3-6 and Village Center, and Village Center Final Site Plan
PC Workshop Date	December 19, 2011

**Proposal:** The Applicant is requesting approval of a revision to the Worman's Mill Village Center final site plan. The previously approved Town Center (PC07-345FSI) comprised of 92 multi-family units and 64,671 s.f. of commercial space. Parcel A, Block H depicted on the proposed plan was originally proposed for 30 townhouse units, however with the approval of PC07-345FSI, it was left undeveloped and subject to future site plan approval.

The Applicant's original submission for revision of PC07-345FSI included 171 multi-family units, 43,869 s.f. of commercial space, and a 36-bed domiciliary care facility. Additionally, as part of the original submission, the Applicant was requesting the partial abandonment of the Merchant Street right-of-way in order to accommodate the layout as then proposed.

Taking into account comments from the Streets and Sanitation Committee in regards to the abandonment of the Merchant Street right-of-way, the Applicant chose to withdraw the abandonment request and has produced a new layout which maintains the existing street layout. This has necessitated the redesign of the Village Center layout as well as some changes in the scope of development.

The current proposal maintains 171 multi-family units; however, the commercial space has been reduced to 27,244 s.f. and the number of beds provided in the domiciliary care facility has increased to 80.

**Important Issues:**

**Design of Parcel A Block D**

This parcel is currently used as a private park. The Applicant intends to use a portion of this parcel to accommodate a commercial use within the 3,180 s.f. building shown. In order to maintain the use of the parcel as private park (open space), the commercial use will need to be subdivided off of the park parcel.

**Modification Requests**

The Applicant has provided a modification request letter for Planning Commission consideration (attached). Several of the modifications requested were approved by the Planning Commission under the previously approved final site plan, but due to the extent of the changes under this plan, these modifications must be reapproved.

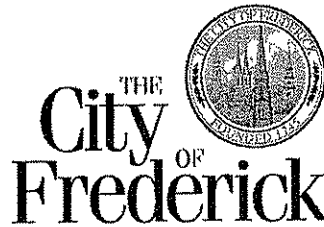
1. No parking setbacks/buffers between parcels that are within the Village Center.
  - a. A Level III buffer yard of 6' for parking areas is required between residential and commercial uses per Sec. 11.05(5)(a)(1). The Level III

- buffer yard requires screening of either a 6' wall or hedge within a 4' wide landscaping strip plus evergreen trees or shrubs 4' in height and spaced 10' on center or evergreen plantings of 6' or more in height at the time of planting within a 6' wide strip and forming a solid screened tree line.
2. No buffer requirements along adjoining property lines between parcels within the Village Center.
    - a. A Level I buffer yard of 6' is required between residential and commercial uses per Sec. 11.05(3)(a). The Level I buffer yard requires evergreen or deciduous trees within a 6' or wider strip. Evergreens must be 4' in height and planted 20' on center. Deciduous trees must be 6' in height and 2" caliper and planted 30' on center.
  3. Modification to required parking setbacks.
    - a. Sec. 14.09 requires parking areas for shopping centers to be set back from all street and alley right-of-ways 25'.
  4. Modification of the onsite parking requirements in consideration of on-street parking provided within the Village Center.
    - a. In accordance with the parking tabulation provided and as permitted under Sec. 1610(9).
  5. Allowance of building projections into any yard without limitation so long as sight distance is not obscured.
    - a. Encroachments are limited to 3' per Section 7.05.
  6. Access drive separations at multiple locations as indicated on Sheet FSP-5 of the site plan.
    - a. Required and proposed separations are indicated in the Table on Sheet FSP-5.

### **Architectural Elevations**

Architectural elevations have been provided for review with the final site plan. The 1986 Zoning Ordinance provides no criteria for architectural compliance; however, the Planning Commission should employ the use of the elevations to determine the appropriateness of the scale and style of the proposed buildings with surrounding development and uses and in the consideration of compensating features for the modification requests of the Applicant.

Randy McClement  
Mayor



Aldermen

Karen Lewis Young  
President Pro Tem

Michael C. O'Connor  
Shelley M. Aloï  
Carol L. Krimm  
Kelly M. Russell

December 16, 2011

Mr. Michael Wiley, P.E., Prof. L.S.  
Peidmont Design Group, LLC  
5283 Corporate Drive, Suite 300  
Frederick, MD 21703

**Re: PC11-496FSI – Worman's Mill Village Center Final Site Plan (NAC #4)**

Dear Mr. Wiley:

Staff has reviewed the above-referenced plan. Staff has divided comments into two sections: issues of major concern, and those that are of a technical nature. In order for this application to be in compliance, please address the following comments:

**ISSUES OF MAJOR CONCERN**

1. Design of Parcel A Block D – This parcel is currently used as a private park. The Applicant intends to use a portion of this parcel to accommodate a commercial use within the 3,180 s.f. building shown. In order to maintain the use of the parcel as private park (open space), the commercial use will need to be subdivided off of the park parcel.
2. Provide a revised modification letter that breaks down each individual section that is being modified, what the requirement is, what it is being modified to, and where it is applied on the plan. This letter must be inclusive of all modifications necessary for the proposed development to include modifications previous approved.
  - a. The 12' setback from curb for all buildings in the Village Center does not work for the multifamily building parcel under the 1986 Zoning Ordinance. Section 16.10(5) would be the controlling regulation and would require a 25' front yard setback as provided under Section 4 (Multifamily R-4 setbacks) as Waterside Drive is designated as a collector road. However, as permitted under Section 910(e) of the LMC, the Planning Commission may revise a previously approved plan to utilize one or more current standards under the LMC provided the criteria therein

is met. Utilizing the current PND standards of Sec. 410(e), the restriction of the front setback modification on collector roads has been removed. Please provide an updated modification request in accordance with these sections to seek relief for the multifamily front setbacks.

3. A shared access/parking easement agreement needs to be provided for Block C. The proposed easement need to be shown on the plan. A copy of the executed agreement must be provided to staff prior to the release of building permit for the site.

#### TECHNICAL ISSUES

4. All building restriction lines need to be shown on the plan. Multi-family buildings are required to provide 25' side and rear yard setbacks as modified under the Master Plan approval.
5. Revise FSP note #3 to indicate multi-family buildings and reduce the number of mixed-use buildings.
6. Revise FSP note #5 to indicate that 49 residential units are being transferred rather than 34.
7. FSP note #6 needs to be revised to provide a breakout of the modifications approved as part of the Master Plan approval. Additionally, as all modifications must be requested as part of this approval remove statements regarding prior approvals. Provide listing of modifications similar to the changes requested for the modification request letter above.
8. Note #6 also references Parcel C Block D which doesn't exist on this plan.
9. Sight distance is referred to several times as "site" distance in FSP note #6 and on the plan itself. Revise.
10. Update FSP note #12 when possible.
11. Remove FSP note #14. There are instances where utility work is necessary including the abandonment/relocation of existing lines. Not sure what purpose this note is intended to serve.
12. Update FSP note #26 when possible.
13. Update FSP note #27 when possible.
14. The "Dimensional and Density Standards" table needs to be corrected/updated to include the following:
  - a. Include the dimensional and density standards for Multi-family building lots in the R-4 district. (This will require additional modification requests as noted above. Please review.)
  - b. Remove the "Low Profile" line as it no longer exists in the Village Center.
  - c. In the "Required/Permitted" column make footnotes when the standard has been modified.
  - d. Provided building heights should be indicated "as shown on plan".
15. Update the "Unit Tabulations" table as provided below:
  - e. Parcel B Block C – The Building Footprint SF is different than as shown on the plan. Confirm correct square footage.
  - f. Remove the duplicate Parcel A Block I row.



16. Remove the "Parking Provided within 700' of the Village Center" from the "Total Parking Provided". This parking is not part of the modification approval and there isn't an exhibit outlining where it is "available". If there is a desire to keep this statistic, it can be included as note, but never counted toward the total provided.
17. Update/revise "Loading Tabulations" table to include:
  - g. Revise Parcel B Block J to Parcel A Block D.
  - h. Include loading calculations for Parcel A Block H.
18. Show where garage parking spaces are located.
19. Will residential parking be assigned off-street parking spaces?
20. While no loading is required for Parcel A Block D, Staff will recommend requiring at least a designated on-street loading space be provided as to avoid traffic blockages/backups on adjoining streets due to deliveries. An appropriate sized loading space should be provided based on the types of deliveries made to this lot.
21. Label actual building heights on the plan view by feet.
22. Label the fence or wall provided in the Parcel A Block H court yard and label height.
23. The sidewalk improvements within the drive apron on Block H need to be removed.
24. Sidewalk connection near the drive on southern frontage of Block I is missing on Sheet FSP-2.
25. There are existing improvements that are to be removed under Building C that are currently shown as remaining. Please correct.
26. Label total square footages of each building in plan view.
27. While no bike parking is required under the 1986 Zoning Ordinance, the City has been trying to advance biking programs and requires spaces under the LMC. Please provide bike racks on each lot/parcel to assist the City in these efforts. This may be used as a compensating feature for some of the modifications requested. The LMC requires bike parking as 1 space per 10 vehicle spaces provided.
28. Label private park parcel as such.
29. Several street trees on Merchant Street have been duplicated. Note where existing trees are being removed and replaced. The trees on the south side of the Merchant Street appear to be planted under this plan. If they are not, note existing and to remain.
30. Move the landscaping detail and note sheet behind the landscaping plans in the plan set. Currently you have to flip through 4 other sheets to get the details.
31. There appear to be several plantings at access points which may pose sight distance issue. Please evaluate and adjust plantings accordingly.
32. Label alleyways with the current names and update the Entrance Spacing Table on FSP-5 with the new names.

<i><b>APPROVAL AGENCIES</b></i>	<b>NO WRITTEN RESPONSE</b>	<b>RESPONSE, NO COMMENT</b>	<b>VERBAL OR WRITTEN COMMENTS ATTACHED OR BELOW</b>
CITY ENGINEERING DEPARTMENT			<b>X</b>
TRAFFIC ENGINEER			<b>X</b>
FIRE ENGINEER			<b>X</b>
DEPARTMENT OF PUBLIC WORKS	<b>X</b>		
COUNTY HEALTH DEPARTMENT			<b>X</b>
COUNTY DEPARTMENT OF PUBLIC WORKS		<b>X – Please contact County for Information</b>	

**Comments are required before this plan can move forward**

**\*\*\*\*Important\*\*\*\***

Once **all** of the comments have been addressed, please submit 12 paper copies (**one of which is highlighted**) of the plan and a response letter addressing all agency comments. This office shall receive the resubmission, with all comments addressed, of this plan no later than **December 27** to be placed on an agenda. If you have any additional questions concerning this project, please feel free to contact me at 301-600-3187 or if you prefer by electronic mail at [jlove@cityoffrederick.com](mailto:jlove@cityoffrederick.com).

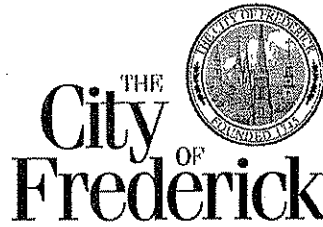
Sincerely,



Jeffrey D. Love  
City Planner

CC: Gabrielle Dunn, Division Manager of Current Planning

Randy McClement  
Mayor



**Aldermen**

Karen Lewis Young  
President Pro Tem

Michael C. O'Connor  
Shelley M. Aloï  
Carol L. Krimm  
Kelly M. Russell

Date: **DECEMBER 7, 2011:**

Engineering, Land Development and Traffic Comments

Re: PZ-11-00496: Worman's Mill Village Center

The Engineering Department requests a point-by-point response letter to the following comments. Please include the original comments in your point-by-point resubmittal.

1. Remove striping for parallel parking spaces. Typically only needed for metered and/or HC spaces.
2. Relocate transit stop outside of Waterside Drive/Mill Pond Road intersection.
3. Show all-way stop control at Waterside Drive/Mill Pond Road (stop sign and line to be minimum 4 ft. behind crosswalk).
4. No parking areas should be delineated with MUTCD sign.
5. Relocate mid-block pedestrian crossing on Mill Pond Road at driveway to Mill Pond Road/Merchant Street.
6. Locate water meters inside of buildings unless more than one private fire hydrant on site. Cut off valve to be shown at property line.
7. Meter serving Parcel A Block C cannot provide service to fire hydrant on adjacent lot (Parcel B Block C).
8. Show existing water service to Wormald sales office and abandonment/removal of same to water main.
9. Address comments on (attached) plan markup Sheet FSP2 .

Reviewed by Walzl, Hahn, Kershner, and Wright. Entered 12/7/11 by sstamper.

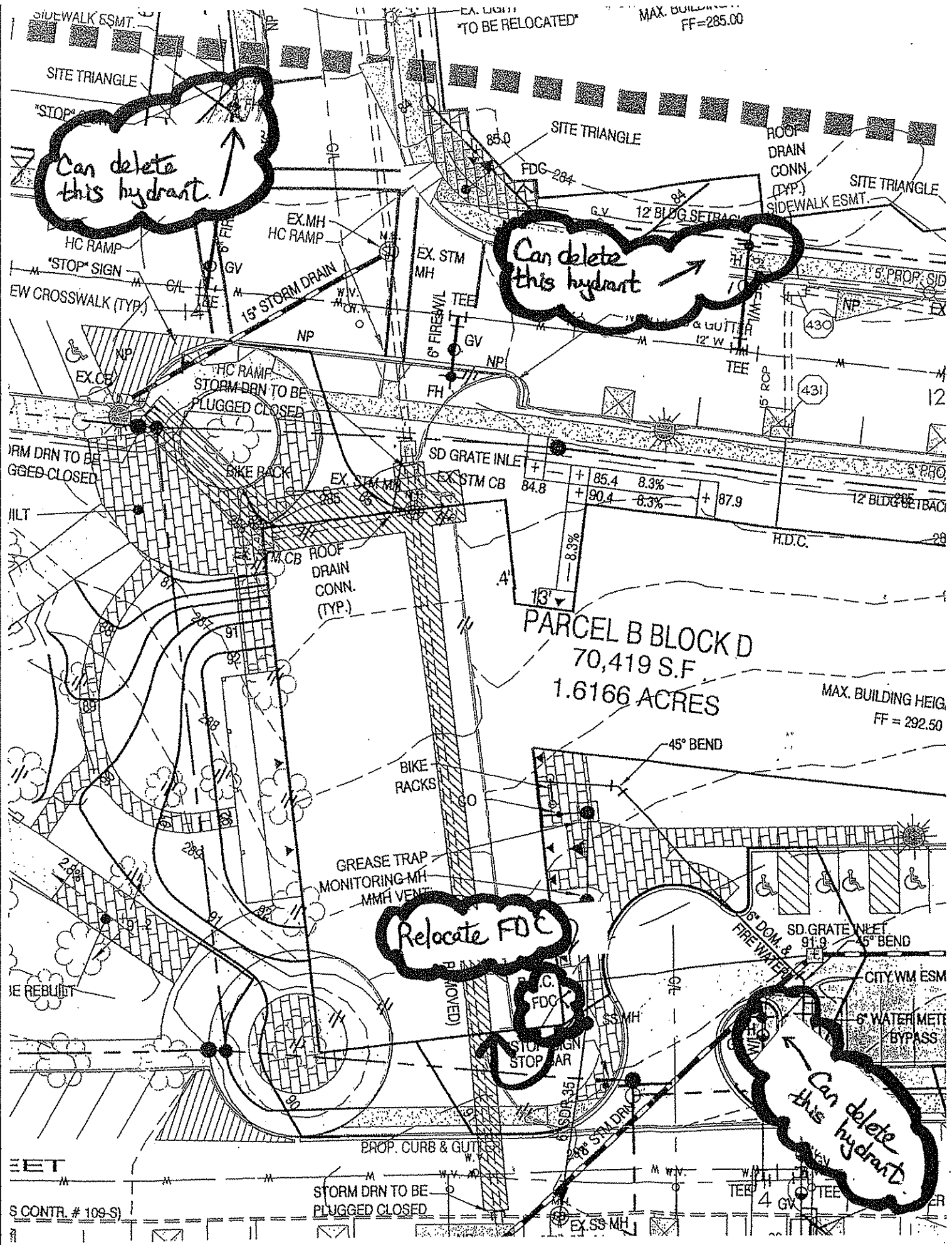
**PZ-11-00496**  
**FINAL SITE PLAN**

**BUILDING:** Steve Krone COMMENTS

**\*\*FIRE COMMENTS**

1. See mark-ups/comments on attachment.

No Comments



EX. LIGHT  
TO BE RELOCATED

MAX. BUILDING HEIGHT  
FF=285.00

SIDEWALK ESMT.

"STOP" SIGN

Can delete this hydrant

Can delete this hydrant

Relocate FDC

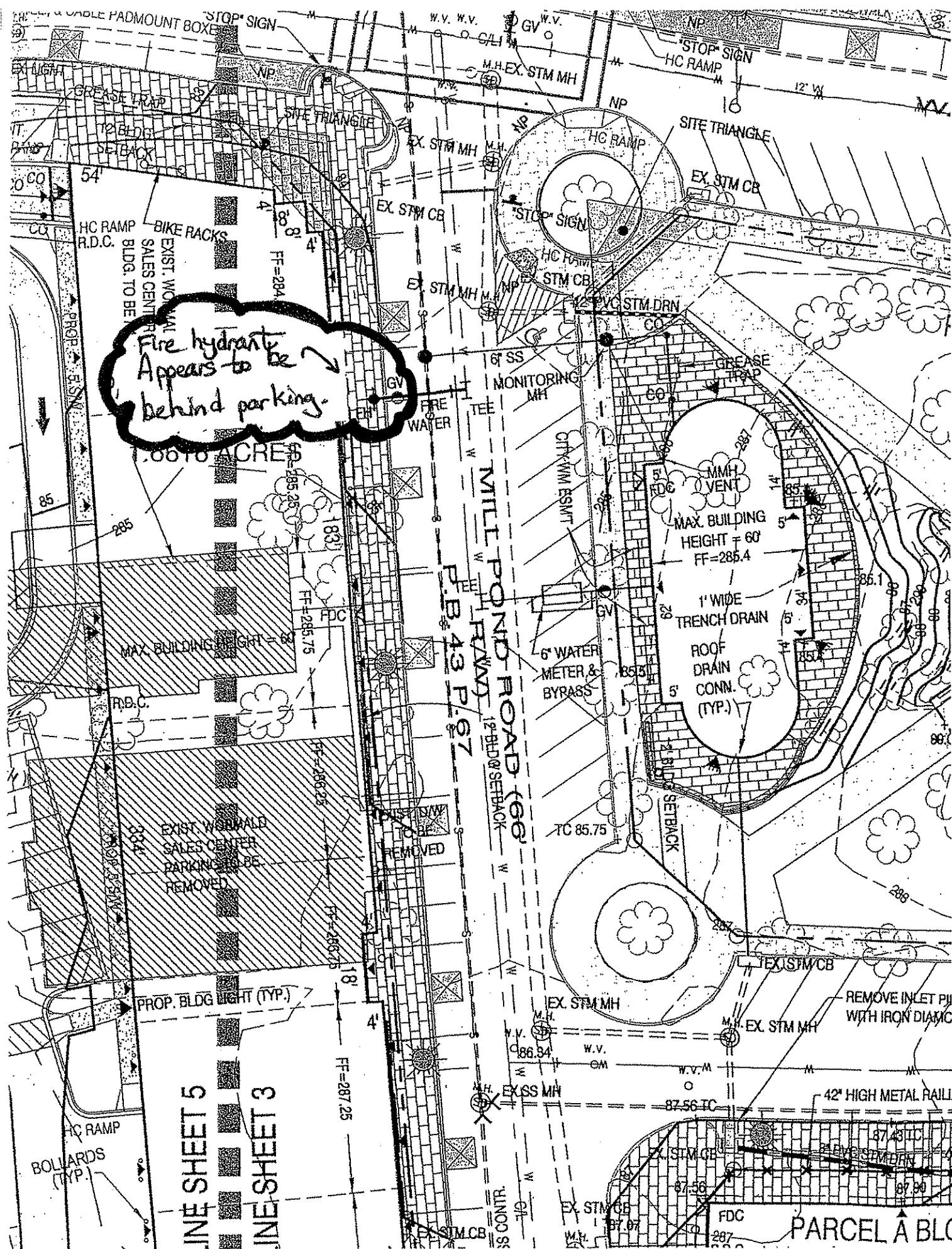
Can delete this hydrant

PARCEL B BLOCK D  
70,419 S.F.  
1.6166 ACRES

MAX. BUILDING HEIGHT  
FF = 292.50

S CONTR. # 109-S

STORM DRN TO BE  
PLUGGED CLOSED



**Planning Commission Workshop  
Project Summary**

Project Number	PC11-668PSU
Project Name	Worman's Mill Preliminary Subdivision Plan Sections 7-10 (Mill Island)
PC Workshop Date	December 19, 2011

**Proposal:** The proposed amendment to the Worman's Mill Master Plan revises the distribution of dwelling units between the various sections of the development. The original Master Plan documented the creation of eight residential sections as well as a Village Center, Town Center, city parkland, and private recreation area.

The impetus for the master plan revision is the redesign of the Village Center (formerly the "Town Center"). The Applicant has proposed to increase the number of residential units within the Village Center, which has required the Applicant to transfer units from other sections within the PND. This has impacted the design of the other sections and has led to the formation of new Sections 9 and 10. (Section 10 was formerly called the "Village Center", but as noted above that moniker has been placed on the former Town Center.)

As part of the transfer of residential units required for the proposed Worman's Mill Village Center, staff has required the Applicant to provide a revised preliminary subdivision plat for Mill Island within the Worman's Mill Development.

Section 9 as shown on the preliminary plan was previous part of Section 8. The approved preliminary plan proposed two multifamily buildings within Section 8. The Applicant has already constructed one of the multifamily buildings, but rather than constructing the other one the Applicant has chosen to change Section 9 to provide townhouse units.

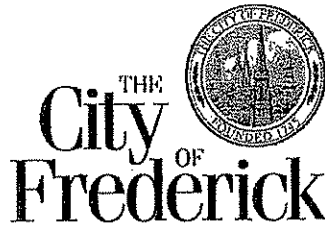
Section 10 was formerly parts of Section 7 and the former Village Center. Five (5) single family dwellings and 10 multifamily dwellings units have been combined to provide 15 townhouse lots under this plan.

The Applicant has also proposed to include a 0.08 private park parcel (Parcel 7D-1) and will be adjusting the lots lines of Lots 542 – 546 and Lots 104-108 in Section 7.

**Important Issues:**

Staff comments/concerns attached.

Randy McClement  
Mayor



Aldermen

Karen Lewis Young  
President Pro Tem

Michael C. O'Connor  
Shelley M. Aloï  
Carol L. Krimm  
Kelly M. Russell

November 23, 2011

Mr. Michael Wiley  
Peidmont Design Group, LLC  
5283 Corporate Drive, Suite 300  
Frederick, MD 21703

**Re: PC11-668PSU – Worman's Mill Section 7-10 (Mill Island) (NAC #4)**

Dear Mr. Wiley:

Staff has reviewed the above-referenced plan. Staff has divided comments into two sections: issues of major concern, and those that are of a technical nature. In order for this application to be in compliance, please address the following comments:

**ISSUES OF MAJOR CONCERN**

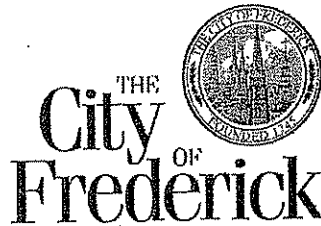
1. The road network in Section 9 does not meet City standards as it does not appear that sidewalks, curb, and gutter are provided on all frontages. Are these roadways intended to be private and operate similar to townhouse developments? It is also understood by Planning Staff that the City will not provide garbage pickup on private roadways or roadways that do not allow for garbage trucks to turnaround in a forward motion. Redesign of this road network will be necessary if this is to be a public street.
2. These changes for the townhouse and multifamily units as well as the private parks will require revisions to the final site plans in prior to building permit.

**TECHNICAL ISSUES**

3. Lot lines must be more clearly delineated. The majority of the lot lines in the amended areas cannot be seen.
4. Section/phase lines must be clearly shown. (The phasing plan indicates sections 7A-7D. Show where these are located.)
5. The garage locations for Lots 104-107 and Lots 542-545 appear to create odd lot configurations and yards. These should be revised to create more block-like lots.
6. Label the open space areas in Section 9.
7. Lot 20 provides an odd design where its front yard faces the rear of Lot 7. What other options are possible to avoid this layout.



Randy McClement  
Mayor



**Aldermen**

Karen Lewis Young  
President Pro Tem

Michael C. O'Connor  
Shelley M. Aloï  
Carol L. Krimm  
Kelly M. Russell

Date: **NOVEMBER 9, 2011:**

Engineering, Land Development and Traffic Comments

Re: PZ-11-00668: Worman's Mill Section 7-10

The Engineering Department requests a point-by-point response letter to the following comments. Please include the original comments in your point-by-point resubmittal.

1. Show curb and gutter along frontage of lots with proposed changes.  
Cannot see curb and gutter on current plan.

Reviewed by Hahn, Kershner, Walzl, and Wright. Entered 11/9/11 by sstamper.



**Planning Commission Workshop  
Project Summary**

Project Number	PC11-781
Project Name	Site Plan Processing
PC Workshop Date	December 12, 2011

**Proposal:** Staff is proposing amendments to Article 3, Sections 301, *General Procedural Requirements*, and Section 309, *Site Plan Review* of the Land Management Code (LMC).

**Important Issues:**

**Section 301, General Procedures**

Under the general procedural requirements, Staff is proposing revisions so that this section speaks more uniformly to all application types. This will allow repetitive information to be eliminated from the individual subsections for each application type such as site plan (309), master plan (310), etc. Below are the highlights of the more substantive changes being proposed.

- **Pre-application Process**  
In this revised version, the pre-application meeting and the sketch plan have been combined to entail the "pre-application process." Annexations and area plans are being added to the listing of project types for which the pre-application process is mandatory and minor site plans are being exempted from this requirement. The pre-application process is always available as an option for all other application types.
- **Completeness Review**  
The Completeness Review is being eliminated. Currently designed to determine if an application should be accepted or rejected, the completeness review requires that the Department review all applications to determine if they are complete within 5 days of submission and that if an application is incomplete, that further notice be sent to the applicant indicating what additional information is needed. From a practical perspective, without increasing the review period for the initial submittal, which in turn would extend the overall time period between submission and Planning Commission hearing, it is not possible to complete this and still provide adequate time for the Planning Department and other staff to thoroughly review the plans. Staff has not found this process to be particularly beneficial and in practice, those plans which are missing necessary information are delayed from moving forward to Planning Commission workshops and hearings until applications are complete.

This change has necessitated changes to Table 301-2 the notice requirements, as the sign posting and adjacent property mailing both are based on the date of the completeness notice. Staff will be revising this to indicate that notice must be sent within eight days of the submission deadline for which the project was submitted.

- **Public Notice**  
The sections on posting of property, mailings, and newspaper advertisement are being revised for clarity; however, staff would note that the section on the Neighborhood Advisory Committee (NAC) meeting requirement is more substantively being changed.

industrial sites require major site plans only when they disturb more than 5,000 square feet of land area or result in an increase of 25% or more of the existing gross floor area of structures on the site. This is a fairly significant increase in the existing regulations which require that any addition to an existing building greater than 1,000 square feet be reviewed as a major site plan.

Staff has chosen to base this threshold on either land disturbance or square footage as changes to a site could include additional building floors which may have very limited actual land disturbance but potentially a significant impact with regards to traffic, building height, etc. OR conversely, could result in very limited additional building area but could involve substantial parking lot expansions or other nonstructural improvements. The establishment of a percentage of building area as opposed to a specific number was done to account for variation in project size. For some projects, a 6,000 square foot addition may be nominal in proportion to the existing building, such as large light industrial buildings in Riverside Corporate Park, whereas, a 6,000 square foot addition on a much smaller building, in a more densely developed area may be more significant.

- **Revisions to Site Plans**

Currently, staff is only permitted to review one revision to a previously approved plan for which has not received its final certificates of occupancy. In the past, this requirement has resulted in fairly marginal revisions being brought forward to the Planning Commissions such as in the case of Clemson Corner. Staff is proposing to eliminate the one revision rule and instead state that any sequential revisions which cumulatively increase the gross floor area or parking areas by more than 10% must go back to the Planning Commission for approval.

- **Site Plan Expiration**

The current expiration date is two years from either the date of which water allocation was granted or the approval date, whichever occurs later. With the adoption of the new water allocation ordinance, there will no longer be a limitation based on water availability and as such, staff has revised the ordinance to indicate that a plan expires within three years of the Planning Commission approval date for major site plans and Department approval for minor site plans. While the existing timeframe is only two years, this date is based on the unconditional approval date which, after the assignment of conditions to be met in up to one year, essentially equates to a three year period from the time that the Planning Commission approves a plan.

~~(2) — Application Materials~~

~~Applications must include all information required by Article 11. Current application materials will be made available in the Planning Department. Applications must be accompanied by payment of all fees and charges established by the Board of Aldermen. Such applications that require a public hearing or public meeting pursuant to the Land Management Code or the Maryland Code must be filed by a deadline as established by the applicable commission or board.~~

~~<sup>4 18</sup> (3) — Completeness Review~~

~~The Department shall review all applications filed pursuant to the Land Management Code for completeness in accordance with Article 11, Section 1102 as well as the individual sections of Article 11 applicable to the application type within five (5) business days of submission. If the application is complete, the Department shall provide a written notice of completion verifying acceptance of the application. If the application is incomplete, the Department shall provide a written statement to the applicant describing the additional information that is required to submit a complete application.]~~

**Sec. 301      GENERAL PROCEDURAL REQUIREMENTS**

While the review criteria for various applications differ, unless otherwise specified the procedures for all applications required under this Code are as follows:

**(a)      Pre-Application**

(1) The pre-application process is mandatory for the following application types:

- A. Annexations
- B. Area Plan
- C. Master Plan
- D. Major Site Plan unless a Master Plan for the development has been approved
- E. Zoning Map Amendment
- F. Preliminary Subdivision Plat unless a Master Plan for the development has been approved.

For all other application types subject to the requirements of this Code, the pre-application process is optional and at the discretion of the Applicant.

- (2) Initiation of the pre-application process begins with the submittal of a sketch plan to the Department. The sketch plan must include all materials required by Section 1102.
- (3) Within thirty (30) working days, the Department shall review the sketch plan and hold a pre-application meeting with the applicant, Department staff, and other applicable City departments.

(3) Advertising

- A. Where notice by publication is required by Table 301-2, the Department shall ensure that the notice is published in a newspaper of general circulation in the City. ~~[The notice shall contain the application number as assigned by the Department and a brief description of the proposal.]~~
- B. The notice shall contain the application number as assigned by the Department and a brief description of the proposal.
- C. If the application is continued at a public hearing to a specified date, a second notice in a publication is not required.

(4) Signage

- A. ~~[The Planning Department shall provide an applicant with a sign, which must be posted on the subject property in accordance with Table 301-2. If the subject lot fronts more than one street, the applicant shall post at least one sign for each street frontage. Multiple signs may be required at the discretion of the Director in the event that a singular frontage exceeds 300 linear feet. If more than one lot is the subject of the application, the applicant shall post at least one sign in the approximate middle of the block, or in another location if so directed by the Director.]~~
- B. ~~Where required by Table 301-2, a second sign shall be provided to the applicant once a hearing date has been assigned for the application. The second sign will reference the time, date, and location of the hearing. An applicant may remove the first sign when the second sign is posted.~~
- C. ~~The applicant shall maintain the sign in good condition until the hearing or until the application is withdrawn. The applicant shall remove any sign no later than five days after the completion of the hearing.~~
- D. ~~If an application is continued to a later hearing, the applicant shall remove the original sign and replace it with a sign that includes the new meeting time, date and location at least fifteen days before the next meeting.]~~
- A. Where required by Table 301-2, the Department shall provide the applicant with a sign(s) to be posted on the property.
- B. The sign shall contain the following:
  - i. The date on which the application was filed with the Department;

~~that the notices were mailed within this time frame. Certification shall be in the form of verified proof from the U.S. Postal Service that the notice was mailed to the specified address.~~

- C. ~~If an application is continued for more than 90 days from the original hearing date, a second mailing must be sent within eight days of the continuance.]~~
- A. Where required by Table 301-2, the applicant shall mail a letter to all property owners adjacent to and abutting the subject property, each of the appointed members of the Neighborhood Advisory Council (NAC) in which the subject property is located, and the appointed members of any NAC which is within a 500 foot radius of the subject property.
- B. The letter must include the following:
- i. The date on which the application was filed with the Department;
  - ii. A general description of the proposal that is the subject of the application;
  - iii. The name and address of the applicant;
  - iv. The street address of the property that is subject of the application or, if the street address is unavailable, the official tax map number; and
  - v. The name, phone number, and address of the Department's case planner.
  - vi. A boundary map showing the project location
- C. The applicant shall provide a copy of the mailed notice to the Department within eight days of filing the application along with a certification that the notices were mailed within this time frame. Certification shall be in the form of verified proof from the U.S. Postal Service that the notice was mailed to the specified address.
- D. If an application is continued for more than 90 days from the original hearing date, a second mailing must be sent within eight days of the continuance.

**(5) Neighborhood Meeting**

- A. Where required by Table 301-2, the applicant shall facilitate at least one meeting with every appropriate Neighborhood Advisory Council (NAC). ~~[after the pre-application meeting where applicable and prior~~

**(4) Scope of Action**

- D. The reviewing body may take any action on the application permitted by law that is consistent with the notice given. The reviewing body may allow amendments to the application except as provided in subsection (4)(B).
- E. The reviewing body may not approve amendments to an application if the effect of the amendments is to allow a greater change than that requested on the original application, increase the impact of the development, or increase the amount of land involved, or change the use to one given in a different general use category from the indicated in the notice of the hearing.

**(5) Additional Rules**

Where appropriate, additional rules governing the public hearing may apply, including but not limited to, other provisions of the City Code applicable to the body conducting the hearing and any of the body's adopted rules or procedures. The body conducting the hearing may adopt rules of procedure to limit the time for each presentation, or each speaker.

**(6) Post-Decision Proceedings**

Any person, including any officer or agency of the City aggrieved by a final decision relating to a development permit or administrative development approval by the Zoning Administrator or final decision-maker may appeal such final determination to the appellate body designated by this Code, in the manner provided in §315. Unless a different appellate body is designated by this Code, the Zoning Board of Appeals shall have jurisdiction to hear any appeals from a decision of any officer, official or agency in the administration of this Code.

**(e) Duty to Inform**

- (1) Following issuance of a permit or development order pursuant to the LMC, the applicant shall inform the Department of any changes relating to the use or business that would change the nature of the use that was originally approved.
- (2) Within fourteen (14) days of any change in use of any premises the property owner(s) must apply for a new zoning permit and obtain a zoning certificate. The failure to notify by application is considered a violation of the LMC.
- (3) It shall be the duty of a property owner/applicant that has received site plan approval to inform any new owner or tenant of said obligations and adhere to the commitments of the adopted site plan unless a revised site plan is approved by the Planning Commission



Section 406.

~~[C. Commercial, institutional, or industrial expansion or new construction.]~~

C. All new commercial, institutional, or industrial construction on previously undeveloped sites.

~~[D. Any use that requires major site plan approval pursuant to Article 7.]~~

D. The expansion or redevelopment of an existing commercial, institutional or industrial site which disturbs 5,000 square feet or more or results in a 25% increase in the gross floor area of the structure on the site.

E. Any use that does not qualify as a major site plan under the criteria established above, but that generates at least 100 average daily trips (ADT) as measured by the ITE Manual (see Article 10, §1003 "References).

~~[(3) The following situations require minor site plan approval by the Planning Department:~~

~~A. The request is for:~~

~~1. approval of a multiple family dwelling of four (4) or fewer units; or~~

~~2. an addition to an existing building or structure that does not exceed 1,000 square feet, and that does not add a dwelling unit or require more than five (5) additional parking spaces; or~~

~~3. a conditional use that would not have otherwise required a site plan (e.g. antennas on a tower) or requires a site plan for a new structure not exceeding 1,000 square feet.~~

~~B. Any development that does not qualify as a major site plan as specified above in §309(a)(2)(A-E).~~

~~(4) If an application qualifies as a minor site plan under subsection (3), the application shall be processed as a major site plan where:~~

~~A. a minor site plan has previously been approved for the subject parcel;~~

~~B. the subject parcel and the abutting parcel under common ownership, taken together, qualify as a major site plan under subsection (2), above;~~

- ~~(4) The Planning Department shall determine whether the application is complete in five (5) business days. If the application is incomplete, the Department shall provide a written statement to the applicant regarding the additional information that is required to submit a complete application.~~

~~(d) Decision (Minor Site Plans)~~

~~When a complete staff level site plan application is submitted, the Planning Department shall approve, or disapprove the application.]~~

**(4) Decision [(Major Site Plans)]**

**A. Transmittal**

When a complete application for a major site plan is submitted, the Planning Department shall forward the application to the Planning Commission for review.

**B. Preliminary Review**

Site plans may be submitted for Planning Commission comments as to their acceptability at any regular meeting. Sketch plan review does not satisfy the requirements for site plan approval, which is required prior to issuance of a building permit/zoning certificate.

**(5) Action by the Planning Commission**

- A. The Planning Commission shall review applications for major site plan approval at a public meeting. All interested persons shall have the right to appear and speak concerning the application.
- B. The Planning Commission or Department may require the site plan and subdivision plat to be reviewed at the same hearing. If this is impractical, the Planning Commission will review the site plan and then the subdivision plat in that order.

**(c) Minor Site Plans**

- (1) Unless otherwise regulated by this Code, the Planning Department is the reviewing authority for minor site plan applications.**

- (2) The following situations qualify for minor site plan approval:**

- A. **Construction of a multiple-family dwelling of four (4) or fewer units; or**
- B. **Construction of a nonresidential accessory structure that is less than 500 square feet.**

### Article 1102.

- (4) Fees associated with the application, including the County Health Department fees, shall be paid at the time of the filing. The Planning Department shall not accept an application for review until all required fees are paid in full.

~~[(3) A filing fee shall be charged in accordance with the fee schedule contained in Article 11 of this Code.]~~

- (4) The Planning Department shall determine whether the application is complete in five (5) business days. If the application is incomplete, the Department shall provide a written statement to the applicant regarding the additional information that is required to submit a complete application.

#### **(e) Site Plan Review Criteria**

Site plans shall comply with the following criteria:

- (1) The site plan shall conform to all applicable requirements of Articles 4, 5, 6, 7, and 8 of this Code.
- (2) The site plan shall conform to any Area Plan or Master Plan that has been approved for the subject property.
- (3) The development shall be served by public facilities and services, including sewer, water, streetlights, sidewalks, storm water management and/or storm drains; and police, fire and refuse collection, that have adequate capacity to accommodate the impacts of the development on those facilities.
- (4) A site plan for a proposed development project that is subject to Chapter 19 of the City Code and includes moderately priced dwelling units shall provide that the MPDUs are integrated within, and dispersed throughout, the entire development project (or residential portion of the project) to the greatest extent feasible.
- (5) The reviewing agency may require any reasonable changes to the proposed site plan that are necessary, to comply with the requirements of this Code and assure compliance with criteria of subsections (1), (2), (3), and (4) above.

#### **(f) Withdrawal or Denial of the Application**

- (1) The applicant may withdraw an application for minor site plan approval, in writing, at any time prior to the decision by the Planning Department.
- (2) The applicant may withdraw an application for major site plan approval, in writing, at any time prior to the Planning Commission's decision.

- (1) An appeal from the decision of the Planning Department on minor site plans (see subsection (a)(3)) shall be made in writing to the Planning Commission within 30 days of such decision. The appeal shall be heard by the Commission within 45 days of the date of the filing of the appeal in accordance with the normal procedures of the Commission for reviewing applications for site plan approval.
- (2) Appeals from the decision of the Planning Commission on site plans shall be made to the Circuit Court for Frederick County pursuant to Maryland law.

**(j) Site Plan Approval Expiration**

~~[Any approval of a site plan either by the Department or the Planning Commission shall become void two years from the later of:~~

- ~~(1) — the date of approval; or~~
- ~~(2) — the date of the water and sewer allocation contract (if allocation is need) specified in §742 (Water & Sewer Allocation) indicating sufficient allocation has been received to construct;]~~
- (1) If a building permit has not been issued for the development project within three years of the date of approval by the Planning Commission for major site plans or the Department for minor site plans, the site plan will become void.
- (2) If a building permit cannot be issued within three years due to government constraints such as insufficient water or sewer to construct, the time for which the government constraint persists shall not be taken into consideration towards the three year approval period.
- (3) ~~[if no zoning permit]~~ If a building permit has been issued for development of the project and there are no government constraints preventing its issuance, a six-month extension may be granted by the Department upon request of the owner or developer. Further extensions may be granted by the Commission.

**(k) Modification to Requirements May be Granted by the Commission**

- (1) At the time of site plan review, the Planning Commission or Department may modify certain designated site plan review criteria, subject to the standards established in this subsection (k).
- (2) The Planning Commission may modify the following for a major site plan:
  - A. landscaping (§605);
  - B. access points (§601);
  - C. loading (§607(g));
  - D. parks and open space (§608);

**(n) Consultants May be Hired to Evaluate Development Proposals**

The Planning Commission, if deemed necessary, may require the applicant to provide analysis and recommendations of experts qualified to evaluate any potentially adverse aspect of a proposed use or development. The applicant must submit the consultant's findings for review and evaluation by the Planning Department and City Engineer. The Commission shall provide the applicant with a list of qualified consultants or shall review and approve the qualifications of an expert hired by the applicant prior to acceptance of the report. The Commission shall consider the following criteria in determining whether to approve the consultant:

- (1) whether the consultant has professional qualifications and training relative to preparing similar analyses or recommendations; and
- (2) the prior experience of the consultant in preparing analysis and recommendations for similar projects.

**(o) Site Plan Enforcement Agreement**

Every site plan shall contain a note indicating that a Site Plan Enforcement Agreement shall be executed prior to issuance of a building permit. The agreement shall be signed by the property owner and the City requiring the property owner to execute and maintain all the features of the approved site plan. The agreement shall also be binding upon the successors and assigns. The Mayor shall have the authority to execute this agreement on behalf of the City. A template of the Site Plan Enforcement Agreement is set forth in Article 11, §1119.



**Planning Commission Workshop  
Project Summary**

Project Number	PC10-100ZTA
Project Name	Downtown Parking Area
PC Workshop Date	December 19, 2011

**Proposal:** The proposed amendments reflect changes to Section 607 of the LMC entitled, *Parking and Loading Standards*, which were originally initiated by the LMC Workgroup [Workgroup] and are aimed at addressing infill development in the core of the downtown. While incorporating the changes, Staff has also taken the opportunity to reorganize and clarify other sections as needed.

**History:** In January of 2010, the Workgroup presented the Mayor and Board with the concept of eliminating the minimum parking requirements established under Section 607 of the LMC for projects in the downtown. While there was general support for infill development and the elimination of any obstructions to it, the Board expressed an interest in establishing an evaluation period during which time developments could benefit from the exemption but also during which Staff could evaluate any resulting impacts. The Workgroup considered a possible "moratorium" but concluded that an amendment to the LMC would be preferable. The item was brought back to the Mayor and Board at a workshop on March 31, 2010.

In May of 2010, the Workgroup presented a text amendment to the Planning Commission which proposed specific boundaries within which, new development/redevelopment would be exempt from the minimum parking requirement. At the May hearing, the Workgroup received feedback and questions on the following issues:

- The possibility of setting a cap on the size of development that would be eligible for the waiver.
- Establishing criteria for the waiver.
- Determining what other public parking facilities should be included in the analysis (aside from the existing parking decks) to determine the waiver.

Based on these concerns, the Workgroup brought the application back to the Planning Commission in June for further discussion. At the conclusion of that meeting it was determined that additional community outreach and involvement was needed before moving forward.

Since May of last year, the Downtown Parking Advisory Committee [Advisory Committee] has taken the lead on this discussion and drafted a new proposal to respond to the concerns previously expressed. The Advisory Committee concluded that a resolution should be adopted which, for a period of four years from the enactment date, would exempt projects from compliance with the minimum parking standards if the project:

- Is 40,000 square feet or less in size; and
- zoned DB, DBO, or M1; and
- is within the established boundaries.

The Task Force also specified that language should be included in the ordinance which clearly establishes that the City is not responsible for assisting developers in meeting

their parking needs and that the City will not enter into contractual agreements for the provision of parking within any of the City parking facilities beyond the current deck-card program.

In preparing to move forward in this direction in September of 2011, Staff revisited the concept of a moratorium with the Mayor and Board at the suggestion of the Legal Department and it was concluded that a text amendment to the LMC was the more appropriate direction to move forward in.

**Important Issues:** In preparing the draft changes, Staff has reorganized Section 607 to consolidate all of the parking regulations which pertain to the downtown area separate from those that apply City-wide.

#### Downtown Parking

Subsection (c) which previously contained all of the various concessions and modifications that can be granted for parking, has been revised to now only contain those applicable to the downtown.

- Subsection (c)(1), this section now states clearly that the minimum parking requirement for properties zoned DB and DBO is  $\frac{1}{2}$  of what would normally be required for a use by Table 607-1, without further modification or adjustment.

After establishing that the minimum parking requirement for downtown is  $\frac{1}{2}$  of what is otherwise required, subsection (c) then goes on to identify the various reductions and modifications that are specific to the downtown, the most notable of which being the elimination of the parking requirement in its entirety for specific projects.

- Subsection (c)(2) establishes that projects within the geographic area defined therein, that are on properties zoned DB, DBO, or M1 and that have a gross floor area of 40,000 square feet or less are exempt from having to provide the minimum amount of parking required.
- Subsection (c)(3) is consistent with existing language for DB and DBO projects. This language is still necessary despite the inclusion of (c)(2) for those projects that do not meet the criteria outlined in (c)(2), specifically, it will still apply to those projects that are outside of the geographic boundary for the exemption.
- Subsection (c)(4) pertains to the existing reduction in parking based on the access to transit. Staff has clarified that this is a Planning Commission modification, as opposed to a general concession such as the  $\frac{1}{2}$  parking standard for DB and DBO, and that it only applies to the DB and DBO districts as opposed to all downtown districts. Currently, this subsection states that "Downtown Districts" are eligible for the transit reduction; however, "Downtown Districts" as defined in Section 1002 includes the DR district. It is Staff's assertion that this was not the intent of this subsection as it clearly refers back to the standard,  $\frac{1}{2}$  reduction for DB and DBO districts only and that the intent of this section as a whole, was to require DR to continue to provide the required parking as established under Section 607.



- Subsection (c)(5) pertains to the existing fee in lieu of option for the DB and DBO district. Staff has revised this subsection to state that a fee in lieu of is only required if the minimum parking requirement (as adjusted for under (c)(1) for DB and DBO), and after any further reductions available through a modification either specific to the downtown or in general as itemized in subsection (d), cannot be provided. In other words, that the fee of lieu of payment is required if, after all potential reductions, the Applicant still cannot provide parking onsite.

Currently, a fee in lieu of payment is required in the amount of any reduction to the minimum parking requirement granted by the Planning Commission. For example, the regulations currently state that if a reduction is granted based on proximity of transit, a fee in lieu of payment must be paid in the amount equal to the number of spaces "reduced." If the premise of this modification is that bus/transit ridership will account for some of the trips to the proposed use, it is non sequitur to also request that a fee be paid to provide for the equivalent in parking. Staff does have concerns that the reductions available for transit are somewhat overinflated in that they do not accurately represent the actual share of trips accounted for by transit, even within close proximity. Prior to bringing this item forward to a hearing, Staff will conduct further research as to more appropriate reductions.

#### Parking, In General

As noted above, Staff has consolidated the regulations pertaining to parking in general into several sections

- Subsection (b) has been revised to include all of those standards that relate to how the minimum parking requirements are calculated in general. Of note, Staff has added to the section the provisions for shared parking. Shared parking is currently located under subsection (c) for parking modifications and variances, however, it is Staff's position, that the shared use parking standards do not really constitute a modification request but instead should be used as the basis for calculating the parking requirement for those uses which contain a mix of uses on the same property. A similar standard, joint-use parking, has remained under subsection (d) which now pertains to modifications granted by the Planning Commission, on the basis that there are specific conditions that must be met in order for joint-use parking to be successful, including agreements between property owners. Therefore, Staff finds it more appropriate for the Commission to be the reviewing authority.
- Subsection (d) has been revised to include all those modifications that the Planning Commission has authority to grant within the downtown as well as within the City as a whole. Under this subsection, Staff has added the modification previously located under the bicycle standard that allows the Planning Commission to reduce the number of vehicle spaces based on the provision of bicycle parking spaces.

**Sec. 607      PARKING AND LOADING STANDARDS**

**Purpose:** The purpose of this section is to provide a sufficient on-site parking area off the public street to meet the need generated by each property in order to minimize traffic congestion and traffic hazards. In order to provide for more compact, pedestrian-friendly development, design flexibility, and to match development regulations to the existing built form, these regulations also allow on-site parking requirements to be reduced through the payment of a fee in lieu of parking. **In order to encourage infill development in a certain area of the downtown, these regulations also exempt development projects proposed to be located in such area from the minimum parking requirements imposed on other development projects. It is not the intent of the City to compensate for such exemption by providing public parking for downtown development projects, and this section shall not be construed to obligate the City in any way with regard to the provision of parking areas.**

**(a)      General Requirements**

- (1) No property shall be developed, nor any building or structure erected, structurally altered or enlarged, nor its use changed or intensified unless permanently maintained off-street parking and loading spaces are provided on the property for the existing or proposed building, structure, or use, in accordance with the provisions of this Section, except as herein provided.
- (2) If the existing use of a building or structure is changed to a new use, such new use shall comply with the provisions of this Section, as follows:
  - A. If the parking spaces are increased by not more than fifty percent (50%), then additional parking and loading requirements are required only in the amount by which the requirements for the new use exceed the amount required for the existing use.
  - B. If the parking spaces are increased by more than fifty percent (50%), the existing and new parking areas must conform to this Section.
  - C. If the building is expanded to provide for disabled persons' accessibility, to meet the fire code, or to provide for accessory uses that do not generate additional parking over and above the specific use, additional parking is not required.

(Reference: See nonconforming uses and parking, Article 9, § 903)
- (3) All required off-street parking and loading areas shall be kept available for parking and loading purposes. No storage of equipment, recreational vehicles, or other material shall take place in any required off-street parking or loading area.
- (4) **Excluding on-street parking, parking spaces may not overlap the public right of way.**

**(b) *Parking and Loading Calculations In General***

- (1) Unless otherwise regulated by this section, parking space requirements for various uses shall be determined by Table 607-1 below.
- (2) Where a conflict should exist between this Section and the Frederick City Fire Prevention Code (FCFPC), the stricter provisions shall prevail.
- (3) Should a fraction of a space result from computing parking or loading space requirements a fraction less than fifty (50) percent can be rounded down, a fraction fifty (50) percent or greater, shall be rounded up requiring one (1) full space.
- (4) Unless otherwise regulated by this section, in the event more than one activity takes place within a single business or on a single lot, the parking requirements for that business or lot shall be determined on the basis of the proportion of the total business or lot devoted to each separate activity.

~~[(5) Parking Space criteria:]~~

- (5) Garages and parking spaces shall be counted as one full space if assured access is provided. Garages and parking spaces with limited access, as a result of having access through a single counted parking space shall be counted as half (.5) space.
- (6) Garages and parking spaces accessed sequentially through more than one counted parking space. (Stacking more than two deep shall not be counted as parking spaces)
- (7) **Shared Parking**  
Developments which contain a mix of uses on the same parcel, as set forth in Table 607-3 below, may reduce the amount of required parking in accordance with the following methodology:
  - A. determine the minimum parking requirements in accordance with Table 607-1 for each land use as if it were a separate use,
  - B. multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 607-3,
  - C. calculate the total for each time period, and
  - D. select the total with the highest value as the required minimum number of parking spaces.

**Table 607-3 Shared Parking**

(A) Land Use	Weekday		Weekend		(F) Nighttime (midnight - 6 a.m.)
	(B) Daytime (9 a.m. - 4 p.m.)	(C) Evening (6 p.m. - midnight)	(C) Daytime (9 a.m. - 4 p.m.)	(E) Evening (6 p.m. - midnight)	
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Commercial	40%	100%	80%	100%	10%

(7) ~~[A parking space shall not overlap the public sidewalk area. In the event that a requirement is waived for the installation of side walks, the space where the sidewalk would have been installed, or may be installed in the future, shall not be utilized by counted parking spaces.]~~

~~[(6) In lieu of providing parking spaces onsite, applicants in the Downtown or HDO districts may make payments in lieu of parking spaces which shall be contributed to a parking fund specifically set aside to provide public parking within the Downtown Districts. The amount of the payment for each space shall be established by a resolution of Board of Aldermen and shall be reasonable and based on the actual or estimated cost to provide such spaces. No building permits shall be issued until complete payment has been received by the City]~~

(c) Downtown Parking Regulations

- (1) The minimum parking requirement in the DB and DBO district is one-half of the minimum parking requirement established for the use in Section 607, Table 607-1.
- (2) The minimum parking space requirements of Table 607-1 and this subsection do not apply to new buildings or additions to buildings that have a gross floor area of 40,000 square feet or less and are constructed on parcels that are:

A. Zoned DB DBO, or M1; and

B. Located within the area depicted in figure 607-1

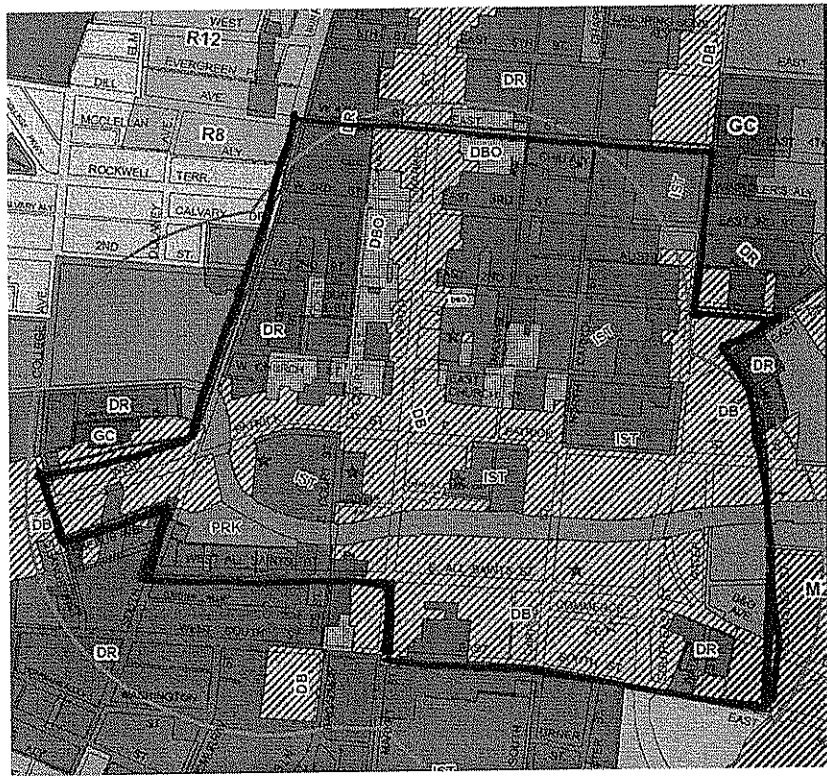


Figure 607-1, Downtown areas where parking standards are not applicable.

- (3) For those properties that are subject to the minimum parking requirements and are zoned DB or DBO, parking must be provided as follows:

A. Additional parking is not required for the change of use of a building or an addition to a building that is 5,000 square feet or less if the building existed as of January 18, 2007.

i. ~~[No additional parking is required for an addition of up to and including 5,000 square feet to an existing building, as of January 18, 2007, in the DB and DBO districts.]~~

B. Additional parking is not required for a new building that is 5,000 square feet or less on a lot of record existing as of January 18, 2007.

C. For an addition to an existing building, as of January 18, 2007, totaling between 5,000 and 10,000 square feet, or a new building totaling between 5,000 and 10,000 square feet on a lot of records as of January 18, 2007, parking must be provided for that portion of the addition or new building over 5,000 square feet. Parking is not required for the first 5,000 square feet, provided that the entire addition or new building does not exceed 10,000 square feet.

D. Any proposed addition to an existing building, as of January 18, 2007, over 10,000 square feet, or a new building over 10,000 square feet, shall be required to provide parking in accordance with the standards of Section 607(b), as modified by Section 607(c)(1)A for the entire building.

(4) **Transit Availability**

The minimum parking requirement in the DB and DBO district may be reduced by the Planning Commission, as follows, for development projects that in close proximity to a public transit or bus stop ~~[In addition to the standard reduction provided in Section 607(c)(1)A, if there are uses in the Downtown districts that are located the following distance from a public transit station or bus stop, the total number of required off-street parking spaces may be reduced by the Planning Commission through the site plan review process up to the following percentage of total spaces that are otherwise required by subsection (b) as follows:]~~

**Table 607-2 Parking Reductions for Transit Availability**

Distance (feet)	Transit Station	Bus Stop	Reduction in required off-street parking spaces
500	√		70%
500		√	50%
1,320	√		50%
1,320		√	30%

- i. The distance prescribed in Table 607-2 shall be measured along the frontage of public streets with sidewalks. A continuous system of sidewalks or pedestrian pathways, as defined below, shall link the proposed development and the transit station or bus shelter. Sidewalks or pedestrian pathways are considered "continuous" if they are interrupted only by Street intersections, but shall not be considered "continuous" if interrupted by natural or man-made barriers to pedestrian movement or by a street that consists of more than four (4) lanes of traffic.
- ~~iii. If the number of required off-street parking spaces are reduced, the applicant shall pay a fee in lieu of parking for the number of spaces that are reduced as provided for in Section 607(c)(7) below.]~~

**(5) Payments in Lieu of Parking**

- A. In lieu of providing the minimum parking requirement, the Planning Commission may authorize a payment in lieu of parking spaces which shall be contributed to a parking fund specifically set aside to provide public parking within the downtown.
- B. The amount of the payment for each space shall establish by a resolution of the Board of Aldermen and shall be reasonable and based on the actual or estimated cost to provide such spaces.
- C. A request for fee-in-lieu of parking may be granted only when the Commission finds that:
  - 1. Granting the fee in lieu of parking is not contrary to the public interest;
  - 2. The applicant has demonstrated that parking:
    - a) cannot reasonably be constructed or installed onsite, or that installation of the parking will require the demolition of historically significant structures; and
    - b) will be accommodated by construction of additional parking in this area of the downtown, within two (2) years of the fee-in-lieu of parking payment, based on the City approved capital improvement program.
- D. The fee-in-lieu of parking resolution shall establish a benefit area for the fees in lieu of parking. The benefit area shall include an area where new offsite parking improvements will benefit applicants paying a fee-in-lieu of parking.

- E. The "parking improvement fund" established by this subsection is hereby created for a special City fund into which all fees in lieu of parking fees shall be deposited. Special accounts shall be created within the parking improvement fund for each benefit area established under subsection D, above. Monies in these accounts must be expended only for public parking improvements within the applicable benefit area. The Mayor and Board of Aldermen may direct through resolution that other funds be transferred into the fund to be used for the purposes of the fund.

1. No building permits shall be issued until complete payment has been received.

~~(7) Payments in Lieu of Parking~~

~~[In accordance with Subsections (c)(1) and (2), the Planning Commission may modify the required onsite parking spaces to enable the applicant to pay a fee in lieu of parking spaces.]~~

- A. ~~If there is any reduction of parking in the DB or DBO districts by action of the Zoning Appeals Board or the Planning Commission, a fee in lieu of parking for each space that is reduced shall be paid in an amount established by the Mayor and Board of Aldermen as provided for in Subsection (B-D) below.]~~
- B. ~~A schedule of payments in lieu of parking spaces shall be established by resolution of the Mayor and Board of Aldermen.~~
- C. ~~The Planning Commission may grant a request for fee in lieu of parking only when specific findings by the Commission are made that:~~
  1. ~~Granting the fee in lieu of parking not contrary to the public interest;~~
  2. ~~The applicant has demonstrated that parking:~~
    - a) ~~cannot reasonably be constructed or installed onsite, or that installation of the parking will require the demolition of historically significant structures; and~~
    - b) ~~will be accommodated by construction of additional parking in this area of the downtown, within two (2) years of the fee in lieu of parking payment, based on the City approved capital improvement program.~~



D. ~~The fee in lieu of parking resolution shall establish a benefit area for the fees in lieu of parking. The benefit area shall include an area where new offsite parking improvements will benefit applicants paying a fee in lieu of parking.~~

E. ~~The "parking improvement fund" established by this subsection is hereby created for a special City fund into which all fees in lieu of parking fees shall be deposited. Special accounts shall be created within the parking improvement fund for each benefit area established under subsection D, above. Monies in these accounts must be expended only for public parking improvements within the applicable benefit area. The Mayor and Board of Aldermen may direct through resolution that other funds be transferred into the fund to be used for the purposes of the fund.~~

V. ~~If a fee in lieu of parking is required or authorized by this section, no building permits shall be issued until complete payment has been received by the City.]~~

(d) ***Modification ~~for Variance~~ of Parking Requirements***

**The minimum parking requirements in all zoning districts may be modified by the Planning Commission at the time of site plan review** as provided below, or where provided in an application of the Supplemental Use Regulation (see Article 8)

**I(1) Shared Parking**

~~Developments which contain a mix of uses on the same parcel, as set forth in Table 607-3 below, may reduce the amount of required parking in accordance with the following methodology:~~

- A. ~~determine the minimum parking requirements in accordance with Table 607-1 for each land use as if it were a separate use;~~
- B. ~~multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 607-3;~~
- C. ~~calculate the total for each time period, and~~
- D. ~~select the total with the highest value as the required minimum number of parking spaces.~~

**Table 607-3 Shared Parking**

(A) Land Use	Weekday	Weekend	(F) Nighttime (midnight—6 a.m.)
-----------------	---------	---------	--

	(B) Daytime (9 a.m. - 4 p.m.)	(C) Evening (6 p.m. - midnight)	(C) Daytime (9 a.m. - 4 p.m.)	(E) Evening (6 p.m. - midnight)	
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Commercial	40%	100%	80%	100%	10%

(1) **Joint Use**

Parking area or loading area required for one activity may be used to satisfy the parking and loading requirements of another activity provided that all of the following conditions exist. If for any reason the above conditions no longer exist, the joint use of parking facilities shall cease and required parking must be provided for each use independently.

- A. The activities must be located on the same lot or adjacent lots which are connected by way of sidewalks.
- B. The activities sharing parking and/or loading areas will not be opened or operated at the same time.
- C. There must be a written joint use agreement which shall be in effect for as long as the joint use is necessary for the parties to meet the parking requirements.
- D. The parking and/or loading area must have sufficient capacity to meet the requirements of any one activity using the areas.

(3) **[Modification for] Off-Site Parking**

[Off-street and off-site parking may be authorized by the Planning Commission] **Off-site and off-street parking may be calculated towards the minimum parking requirement** provided that all the following conditions are met.

- A. Off-site parking areas may be no more than 1320 feet from a site as measured from the nearest point of the off-premise parking lot to the nearest point of the building, structure or use served by such parking lot.
- B. Except in the DR, DB or DBO districts, such off-premise parking spaces shall not exceed fifty (50) percent of the required parking.
- C. The off-site parking property owner must have sufficient parking for all uses on the off-site lot in addition to the subject site.

D. If such off-premise parking spaces are not in the same ownership as the use being served by said parking spaces, then a duly executed and acknowledged written agreement between the owner of the off-site parking area and the owner of the use shall be submitted to the Planning Department. Said agreement shall assure the continued availability and usability of the off-premise parking for as long as required by the use and shall be recorded at the expense of the applicant with the Frederick County Register of Deeds.

E. Loss of the minimal number of committed off-site or on-site parking spaces will void any applicable zoning or occupancy certificate.

**(4) Tree Protection, Forest Retention**

~~[At the time of site plan approval, the Planning Commission may modify]~~  
**Parking [parking] and loading space or drive dimensions may be modified in order to retain forest or protect individual trees provided that the modifications are the minimum necessary to assure public safety and are not contrary to the overall purpose and the intent of this section and provided that individual trees or forested areas are retained through a protective easement.**

**(5) The number of motor vehicle spaces may be reduced by one (1) space for every five (5) bicycle spaces provided above the minimum number of bicycle spaces required by subsection Table 607-1 of this Section, with a maximum credit of three parking spaces, if the applicant demonstrates the proposed use will not need the required parking.**

**~~[(5) Modification of Parking Requirements~~**

~~The Planning Commission may grant a modification to parking requirements including, but not limited to, the distance from off-site parking when the distance is greater than 500 feet, number of parking spaces, drive aisle widths within DR, DB, and DBO districts, and setbacks and lot coverage requirements for infill development within the HDO boundaries. Such variances are subject to the criteria established in Article 3, § 313(c)(1) through (c)(4).]~~

**(e) Parking Space Design - Motor Vehicle Spaces**

**(1) Dimensions**

- A. The minimum dimensions of parking spaces shall conform to the Standard Specifications, Sheets S-10 and S-10a.
- B. The minimum width of access drives shall be as follows:

**Table 607-4 Parking Stall Dimensions**

Parking Angle	Drive Widths			
	0°	45°	60°	90°
<b>One Way</b>	15'	15'	18'	24'
<b>One Way in DB, DBO, DR</b>		9	9	9
<b>Two Way</b>	24'	24'	24'	24'
<b>Two Way in DB, DBO, DR</b>		9	9	9
<b>Window Service</b>	9'			

- B. Driveways serving single-family dwellings, duplexes, or two-family dwelling shall not measure less than nine feet in width, provided the driveway length is less than 40 feet. In all other cases driveways shall be as required above.

**C. The Planning Commission may modify drive aisle widths within the DB, DBO, and DR district**

**(2) Parking Area Lighting**

- A. This subsection applies to any parking and loading areas and access drives except those serving single-family and duplex dwellings.
- B. A lighting plan consistent with the requirements of Article 11 shall be provided with the application for development approval.
- C. The lighting plan shall demonstrate that the parking lot will achieve the recommended maintained illuminance values as established in Illuminating Engineering Society of North America, Lighting for Parking Facilities (IESNA RP-20-98, January 1, 1998), Table 1, which document is hereby incorporated by this reference. The top level of parking garages that are open to the sky shall achieve the "enhanced security" values, while all other parking facilities shall achieve the "basic" values.
- D. Such lighting shall be arranged to contain the light within the property boundaries.
- E. Parking lot lighting in residential areas shall not be higher than 20 feet from ground level.
- F. Parking lot lighting in nonresidential areas may exceed 20 feet in height, but shall demonstrate through the illumination plan that no light trespasses on to adjacent residential properties.

**(3) Paving**

- A. All parking areas shall be paved with a dust-free, durable, and stable surface such as asphalt or concrete. Parking areas located within the 100-year floodplain need not be of an impervious

material provided the proposed surface material meets the standards for permeable pavement established in subsection (4).

- B. All parking area surfaces shall be kept in good repair and maintained in such a manner as to preserve its dust-free, durable, and stable characteristics as long as the parking area is utilized.

**(4) Permeable Pavement**

Permeable Pavement is permitted if the location and design complies with the following:

- A. Permeable Pavement shall be located only on soils having a permeability rating of Moderate Rapid to Very Rapid (see definition of Permeability in Article 10 of this Code).
- B. Permeable Pavement shall not be located in soils with an apparent or perched high water table.
- C. Permeable Pavement shall not be located on any slope exceeding ten percent (10%) over twenty (20) feet.
- D. The Permeable Pavement area shall be vacuum-swept and washed with a high-pressure hose at least four (4) times per year.

**(5) Striping/Marking**

- A. All parking and loading areas and access drives, except those serving single-family and two-family residential properties, shall be clearly striped or otherwise marked to identify parking and loading spaces. Access drives shall be marked or signed, as necessary, to facilitate safe traffic circulation. If more than twenty five percent (25%) of the parking spaces have striping that is no longer clearly visible to a motorist, these areas must be repainted to the approved dimensions by the property owner.
- B. All striping, markings, and signs shall be maintained as long as the area is utilized or is required for parking or loading purposes.

**(6) Maximum Length of Access Drive in Residential Developments**

No residential parking space shall be located more than six hundred (600) feet from a public street right-of-way at least fifty (50) feet wide to which it has access as measured along the center line of the access drive.

**(7) Disabled Parking**

All parking areas shall comply with the Maryland Accessibility Code (COMAR 05.02.02.01 et seq.). Disabled parking spaces shall be located on the shortest possible accessible route of travel to an accessible building entrance. The accessible route of travel shall not cross lanes for vehicular traffic, unless the Zoning Administrator finds that such location would be inconsistent with the Maryland Accessibility Code or the City Fire Prevention Code (Article 9 of the City Code). When crossing vehicle

traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk. Every disabled parking space located in a parking lot shall be identified by a sign as specified in COMAR 05.02.02.07 D.

**(8) Turn Around Required**

Except for single-family, two-family, and duplex uses, where driveways measure less than forty (40) feet in length, the parking area shall be designed in such a manner as to afford turn-around areas enabling vehicles to exit in a forward motion onto public streets or alleys.

**~~[(9) Location~~**

~~Parking facilities shall be set back at least ten feet from a street right-of-way line or vehicular easement line.]~~

**(f) Bicycle Spaces - Number and Design**

~~*[P]urpose: The bicycle parking requirements of the Land Management Code are intended to encourage the use of bicycles as a means of transportation in the City.*~~

Bicycle racks or spaces required by subsection (b) shall conform to the following:

- ~~[(1) The Planning Commission may reduce the number of required motor vehicle spaces by one (1) space for every five (5) bicycle spaces provided above the minimum number of bicycle spaces required by subsection (b), Table 607-1 of this Section, with a maximum credit of three parking spaces, if the applicant demonstrates the proposed use will not need the required parking.]~~
- (2) Bike racks shall be located not more than fifty (50) feet from the principal entry to a building or structure, or along a walkway that leads directly to the principal entry. Bike racks shall not be located farther than the closest motor vehicle parking space. In the downtown districts where spaces cannot physically be accommodated within fifty (50) feet of the principal entry to the building, the required bicycle parking spaces may be located in a public parking garage that is located within 1,320 feet, or in the rear of the building.
- (3) The spaces shall not be located behind any wall, shrubbery, or other visual obstruction lying between the principal structure and the bicycle spaces.
- (4) Bicycle spaces may be provided through spaces or bicycle storage racks.
- (5) Bicycle spaces shall be at least 2'6" in width and 6'0" in length with a minimum seven (7) feet of vertical clearance, and shall be separately marked. Bicycle parking space shall be on asphaltic concrete, portland cement, brick, or similar hard surface material. An access aisle at least

five (5) feet wide shall be provided and maintained beside or between each row of bicycle parking.

- (6) In order to provide security, bicycle parking spaces shall include either a lockable enclosure in which the bicycle can be stored or a stationary rack upon which the bicycle can be locked.
- (7) Bicycle rack design must accommodate both U shaped locks and cables and include, but are not limited to, such shapes as an inverted "U" design or a "ribbon." Bicycle racks shall be securely anchored to a walkway, parking lot, building, or similar permanent structure. Exterior materials for bicycle racks shall use durable finishes that are not damaged by the constant abrasion from the bicycles. ~~[Bicycle racks in the CCO district shall be painted metal that resists chipping, rusting, and fading.]~~

**(g) Parking Area Setbacks**

**(1) Setback from Right-of-Way**

- A. Parking facilities shall be set back at least ten feet from a street right-of-way line or vehicular easement line.**
- B. Parking areas for shopping centers must be set back from all street or alley right-of-way lines a minimum of twenty five (25) feet, except as provided in subsections B and C, below.
- C. In the downtown districts parking may be within 3 feet of a public right-of-way provided curbing or wheel stops are used.
- D. In the M1 and M2 districts adjacent to any R districts, parking setbacks shall conform to the buffer requirements as set forth in Section 605.

**(2) Setback from Residential Districts**

Parking facilities for uses not allowed in residential zoning districts shall be set back at least thirty (30) feet from residential zoning districts. Parking facilities for uses allowed in residential zoning districts shall be set back at least 15 feet from all other perimeter property lines. This section does not apply to driveways.

**(3) The Planning Commission may modify these setbacks in accordance with Section 309(k).**

